

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

JOE DAVID SLOAN,	)	
	)	
Petitioner,	)	
	)	
VS.	)	Civ. No. 16-1301-JDT-cgc
	)	Crim. No. 03-10071-JDT-2
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	

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ORDER DIRECTING PETITIONER TO FILE AN *IN FORMA PAUPERIS*  
AFFIDAVIT AND TRUST ACCOUNT STATEMENT OR  
PAY THE \$5.00 HABEAS FILING FEE

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On November 23, 2016, Petitioner Joe David Sloan, who is incarcerated at the Gibson County Correctional Center in Trenton, Tennessee, filed a *pro se* petition pursuant to 28 U.S.C. § 2241. (ECF No. 1.)<sup>1</sup> However, Petitioner neglected to submit either the \$5.00 habeas filing fee required by 28 U.S.C. § 1914(a) or an application to proceed *in forma pauperis*. Accordingly, Petitioner is ORDERED to submit, within 30 days after the date of this order, either the \$5.00 habeas filing fee or a properly completed and executed application

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<sup>1</sup> The Petitioner titled his document, “Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. 2255/2241.” (*Id.* at 1.) However, because Petitioner “is challenging the manner in which the sentence is executed, rather than the validity of the sentence itself, Section 2255 does not apply.” *United States v. Jalili*, 925 F.2d 889, 893 (6th Cir. 1991); *see also Wright v. United States Bd. of Parole*, 557 F.2d 74, 77 (6th Cir. 1977) (“Section 2255 . . . has been conceived to be limited to those claims which arise from the imposition of the sentence as distinguished from claims attacking the execution of the sentence.”). Therefore, the Court construes the petition as having been brought solely under 28 U.S.C. § 2241.

to proceed *in forma pauperis* and a copy of his inmate trust account statement for the last six months.<sup>2</sup>

The Clerk is directed to mail Petitioner a copy of the prisoner *in forma pauperis* affidavit form along with this order. If Petitioner needs additional time to submit the necessary documents, he may, within 30 days after the date of this order, file a motion for an extension of time.

If Plaintiff fails to comply with this order in a timely manner the Court will deny leave to proceed *in forma pauperis* and dismiss the petition without further notice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Petitioner is advised that if his trust account has a current balance of at least \$25.00, he will be required to pay the \$5.00 filing fee.